

against the limitation prescribed by section 308(a) of this title concerning the total amount of reenlistment bonus that may be paid.

(d) Under regulations prescribed by the Secretary of the Navy, refunds, on a pro rata basis, of sums paid under subsection (a) may be required, and further payments terminated, if the member who has received the payment fails to complete his reenlistment contract or fails to maintain his technical qualification for duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants.

(e) Provisions of this section shall be effective only in the cases of members who, on or before June 30, 1975, execute the required written agreement to remain in active service.

(Added Pub. L. 92-581, §1(3), Oct. 27, 1972, 86 Stat. 1277; amended Pub. L. 97-295, §3(3), Oct. 12, 1982, 96 Stat. 1303; Pub. L. 102-25, title VII, §702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117.)

HISTORICAL AND REVISION NOTES

1982 ACT

This amends 37:312a(c) to reflect the amendment made to 37:308 by section 2 of the Armed Forces Enlisted Personnel Bonus Revision Act of 1974 (Pub. L. 93-277, May 10, 1974, 88 Stat. 119).

AMENDMENTS

1991—Subsecs. (c), (d). Pub. L. 102-25 struck out “of this section” after “subsection (a)”.

1982—Subsec. (c). Pub. L. 97-295 substituted “section 308(a)” for “section 308(c)” and struck out provision that a member receiving payment under this section is not entitled to any further payments under section 308(g) of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 308 of this title.

§ 312b. Special pay: nuclear career accession bonus

(a)(1) Under regulations prescribed by the Secretary of the Navy, an individual who is selected for officer naval nuclear power training and who executes a written agreement to participate in a program of training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants may be paid a bonus not to exceed \$20,000 upon acceptance by the Secretary of the written agreement. Upon acceptance of the agreement by the Secretary, the amounts payable upon selection for training and upon completion of training, respectively, as determined under subsection (b), shall become fixed.

(2) Under such regulations, and subject to such exceptions, as the Secretary of the Navy may prescribe, an individual who has entered into an agreement with the Secretary under this subsection, who has been paid a bonus under this subsection, and who fails to commence or satisfactorily complete the nuclear power training specified in the agreement shall be required to refund such bonus.

(b) The Secretary of the Navy shall determine annually the total amount of the bonus to be paid under this section and of that amount the portions that are to be paid—

(1) upon selection for officer naval nuclear power training; and

(2) upon successful completion, as a commissioned officer, of training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

(c) The provisions of this section shall be effective only in the case of officers who, on or before December 31, 2004, have been accepted for training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

(Added Pub. L. 94-356, §3, July 12, 1976, 90 Stat. 901; amended Pub. L. 96-579, §2(b), Dec. 23, 1980, 94 Stat. 3359; Pub. L. 97-60, title I, §119, Oct. 14, 1981, 95 Stat. 997; Pub. L. 99-145, title VI, §632(b), title XIII, §1303(b)(4), Nov. 8, 1985, 99 Stat. 644, 740; Pub. L. 101-189, div. A, title VI, §614(b), Nov. 29, 1989, 103 Stat. 1446; Pub. L. 101-510, div. A, title XIII, §1322(c)(7), Nov. 5, 1990, 104 Stat. 1672; Pub. L. 102-25, title VII, §702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 103-337, div. A, title VI, §613(h), Oct. 5, 1994, 108 Stat. 2784; Pub. L. 104-106, div. A, title VI, §613(f), Feb. 10, 1996, 110 Stat. 360; Pub. L. 104-201, div. A, title VI, §613(e), Sept. 23, 1996, 110 Stat. 2544; Pub. L. 105-85, div. A, title VI, §§613(e), 624(b), Nov. 18, 1997, 111 Stat. 1786, 1793; Pub. L. 105-261, div. A, title VI, §613(e), Oct. 17, 1998, 112 Stat. 2039; Pub. L. 106-65, div. A, title VI, §§613(f), 624(b), Oct. 5, 1999, 113 Stat. 650, 654; Pub. L. 106-398, §1 [[div. A], title VI, §623(d)], Oct. 30, 2000, 114 Stat. 1654, 1654A-152; Pub. L. 107-107, div. A, title VI, §613(b), Dec. 28, 2001, 115 Stat. 1136; Pub. L. 107-314, div. A, title VI, §613(b), Dec. 2, 2002, 116 Stat. 2568; Pub. L. 108-136, div. A, title VI, §613(b), Nov. 24, 2003, 117 Stat. 1501.)

AMENDMENTS

2003—Subsec. (c). Pub. L. 108-136 substituted “December 31, 2004” for “December 31, 2003”.

2002—Subsec. (c). Pub. L. 107-314 substituted “December 31, 2003” for “December 31, 2002”.

2001—Subsec. (c). Pub. L. 107-107 substituted “December 31, 2002” for “December 31, 2001”.

2000—Subsec. (c). Pub. L. 106-398 substituted “December 31, 2001” for “December 31, 2000”.

1999—Subsec. (a)(1). Pub. L. 106-65, §624(b), substituted “\$20,000” for “\$10,000”.

Subsec. (c). Pub. L. 106-65, §613(f), substituted “December 31, 2000” for “December 31, 1999”.

1998—Subsec. (c). Pub. L. 105-261 substituted “December 31, 1999” for “September 30, 1999”.

1997—Subsec. (a)(1). Pub. L. 105-85, §624(b), substituted “\$10,000” for “\$8,000”.

Subsec. (c). Pub. L. 105-85, §613(e), substituted “September 30, 1999” for “September 30, 1998”.

1996—Subsec. (c). Pub. L. 104-201 substituted “September 30, 1998” for “September 30, 1997”.

Pub. L. 104-106 substituted “September 30, 1997” for “September 30, 1996”.

1994—Subsec. (c). Pub. L. 103-337 substituted “September 30, 1996” for “September 30, 1995”.

1991—Subsec. (a)(1). Pub. L. 102-25 struck out “of this section” after “subsection (b)”.

1990—Subsecs. (c), (d). Pub. L. 101-510 redesignated subsec. (d) as (c) and struck out former subsec. (c) which read as follows: “The Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report containing data to monitor the effectiveness of the bonus authorized by subsections (a) and (b) of this section.”

1989—Subsec. (d). Pub. L. 101-189 substituted “September 30, 1995” for “September 30, 1990”.

1985—Subsec. (a)(1). Pub. L. 99-145, § 632(b)(1), substituted “not to exceed \$8,000” for “of \$3,000”, and inserted provision that upon acceptance of the agreement by the Secretary, the amounts payable upon selection for training and upon completion of training, respectively, as determined under subsection (b) of this section, shall become fixed.

Subsec. (b). Pub. L. 99-145, § 632(b)(2), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “Under regulations prescribed by the Secretary of the Navy, an officer of the naval service who—

“(1) is entitled to basic pay;

“(2) has not completed five years of commissioned service; and

“(3) has, as a commissioned officer, received training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants;

may, upon successful completion of that training, in addition to all other compensation to which he is entitled, be paid a bonus in an amount not to exceed \$3,000.”

Subsec. (c). Pub. L. 99-145, § 1303(b)(4), substituted “submit to the Committees on Armed Services of the Senate and House of Representatives an annual report” for “make an annual report to the House and Senate Armed Services Committees”.

Subsec. (d). Pub. L. 99-145, § 632(b)(3), substituted “September 30, 1990” for “September 30, 1987”.

1981—Subsec. (a)(1). Pub. L. 97-60 substituted “naval nuclear propulsion plants” for “naval nuclear submarine propulsion plants”.

1980—Subsec. (a). Pub. L. 96-579, § 2(b)(1)(B), added subsec. (a). Former subsec. (a) redesignated (b).

Subsec. (b). Pub. L. 96-579, § 2(b)(1)(A), redesignated former subsec. (a) as (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 96-579, § 2(b)(1)(A), (2), redesignated former subsec. (b) as (c) and inserted reference to the bonus authorized by subsec. (b) of this section. Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 96-579, § 2(b)(1)(A), (3), redesignated former subsec. (c) as (d) and substituted “September 30, 1987” for “September 30, 1981”.

EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by section 624(b) of Pub. L. 106-65 effective Oct. 1, 1999, and applicable to agreements under this section or section 312 of this title entered into on or after that date, see section 624(d)(1) of Pub. L. 106-65, set out as a note under section 312 of this title.

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by section 624(b) of Pub. L. 105-85 effective Oct. 1, 1997, and applicable with respect to agreements accepted under subsec. (a) of this section on or after Oct. 1, 1997, see section 624(d) of Pub. L. 105-85, set out as a note under section 312 of this title.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-145 effective Oct. 1, 1985, see section 632(d) of Pub. L. 99-145, set out as a note under section 312 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Section 2(d)(2) of Pub. L. 96-579 provided: “The amendments made by subsection (b)(1) [amending this section] shall apply only with respect to agreements executed under section 312(b)(a) of title 37, United States Code, executed on or after the first day of the first month following the month in which this section is enacted [December 1980].”

EFFECTIVE DATE

Section effective Aug. 1, 1976, see section 5 of Pub. L. 94-356, set out as an Effective Date of 1976 Amendment note under section 312 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 324 of this title.

§ 312c. Special pay: nuclear career annual incentive bonus

(a)(1) Under regulations prescribed by the Secretary of the Navy, an officer of the naval service who—

(A) is entitled to basic pay;

(B) is not above the pay grade O-6;

(C) has completed his initial obligated active service as an officer;

(D) has, as a commissioned officer, successfully completed training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants; and

(E) has the current technical qualifications for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants;

may, in addition to all other compensation to which he is entitled, be paid an annual bonus in an amount not to exceed \$22,000 for each nuclear service year.

(2) In order to be eligible for an annual bonus for any nuclear service year in accordance with this subsection, an otherwise technically qualified officer must have been on active duty on the last day of that nuclear service year.

(3) The amount of the annual bonus to which an officer would otherwise be entitled for a nuclear service year in accordance with this subsection shall be reduced on a pro rata basis for each day of that nuclear service year on which he—

(A) was not on active duty;

(B) was not technically qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants;

(C) was performing obligated service as the result of an active-service agreement executed under section 312 of this title; or

(D) was entitled to receive aviation career incentive pay in accordance with section 301a while serving in a billet other than a billet that required the officer—

(i) be technically qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants; and

(ii) be qualified for the performance of operational flying duties.

(b)(1) Under regulations prescribed by the Secretary of the Navy, an officer of the naval service who—

(A) is entitled to basic pay;

(B) is not above the pay grade O-6;

(C) has, as an enlisted member, received training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants; and

(D) has the current technical qualifications for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants;

may, in addition to all other compensation to which he is entitled, be paid an annual bonus in